

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CHAPLIN, et al.

Title: Compositions and Methods with Enhanced Therapeutic Activity

Appl. No.: 10/790,662

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Art Unit: 1617

Confirmation No: 9569

Terminal Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The owners, OXiGENE, Inc. and Baylor University of the instant application (by virtue of assignment from inventors Chaplin, Edvardsen, Prezioso and Wood to OXiGENE, Inc. (Reel/Frame 015573/0353) and assignment from inventor Pinney to Baylor University (Reel/Frame 015572/0753)) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of Prior Patent No. 6,919,324 (assignment from inventors Chaplin, Prezioso and Edvarsen to OXiGENE, Inc. (Reel/Frame 013692/0021) and assignment from inventors Garner, Kane and Pinney to Baylor University (Reel/Frame 015314/0848)) as such term is defined in 35 U.S.C. 154 and 173, and as the term of said Prior Patent may be shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The small entity terminal disclaimer fee under 37 C.F.R. § 1.20(d), in the amount of \$70.00 is paid herewith by credit card via EFS-Web.

The undersigned is an attorney or agent of record, pursuant to the Power of Attorney from Baylor University submitted in the instant application on 26 February 2010 and the Power of Attorney from OXiGENE, Inc, submitted herewith.

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